

EXHIBIT (C)

**PSYCHOSOCIAL EVALUATION
FOR THE BOARD OF PRISON TERMS
JULY 2006 LIFER HEARING
SAN QUENTIN STATE PRISON**

I. Identifying Information:

Mr. Tyson is serving a 20-year to Life sentence for (P187) second-degree murder with a deadly weapon, P211/213 attempted robbery with a deadly weapon, and robbery. He has a non-controlling case for P211, robbery. Mr. Tyson is married at the present time although he is planning to divorce due to his wife's infidelity. He has two grown children from his first marriage and has 7 grandchildren. He has a 14 year old stepdaughter from his second marriage, with whom he is trying to remain in contact. The report is based on a review of the inmate's central files, medical record and a face-to-face interview conducted in the staff offices of San Quentin State Prison. Mr. Tyson was informed of the limits of confidentiality in that information provided would be included in a report to the Board of Prison Terms. Mr. Tyson stated that he understood this and was able to demonstrate an understanding of the purpose of the interview. He denied any need for assistance or for any adaptive aides and stated that he was fully able to participate in the interview.

II. Psychiatric/Medical History:

Mr. Tyson has a psychiatric history related to substance abuse and out of control behavior. He had undergone treatment on an inpatient and outpatient basis beginning in adolescence. He was treated for depression while incarcerated by Alameda County, awaiting trial. He has required no mental health treatment in CDC. He has chronic shoulder pain, but has no other serious medical problems that would affect his mental functioning.

III. Parole Plans:

Mr. Tyson would like to attend the Swords to Ploughshares program on Treasure Island. As a military veteran, he would be potentially eligible for this program. He is interested as it provides a range of services for veterans. He is especially interested in learning another vocation. He would like to be a tailor utilizing his sewing skills, or to learn to be a chef.

If he would not be able to enter that program immediately, he would reside with his mother. His mother lives in senior housing and can only have guests for 30 days. His brother and sister have offered to help him get an apartment.

He would also be willing to enter a halfway house, but prefers not to be around a lot of people who are prone to relapse into the use of drugs or alcohol. He has heard that drugs

are often brought into these programs by residents and prefers to not be around drugs at all. He plans to continue his involvement with substance abuse treatment.

Clinical Assessment

A. Summary Mental Status Evaluation:

Physical

Mr. Tyson came to the appointment directly from work and was apologetic about his appearance in his work clothes. He was personally well groomed with a closely trimmed beard and braided hair. He is shorter than average, but appeared well nourished and in generally good health.

Movement

There were no tics or postural abnormalities observed. Movements were smooth and well coordinated.

Communication

Mr. Tyson stated that he felt that he had difficulty expressing himself in conversations. However, he seemed not to have any problem communicating effectively. Rate, volume and content of speech were within normal limits. Eye contact was good.

Cognition

Based on Mr. Tyson's responses to interview questions, his intellectual ability appeared to be in the average to above average range.

Affect/Mood

Mood was euthymic and stable. Affect was full range. He reported no symptoms of depression such as loss of appetite, poor sleep, sadness or difficulty with concentration, or feelings of hopelessness. He denied any suicidal or homicidal ideation.

Perception

Mr. Tyson denied any present symptoms of perceptual distortions such as paranoia, auditory or visual hallucinations.

Insight and Judgment

Mr. Tyson had little insight into the motivation behind his crimes. He gave answers that were rather pat such as that he needed money at the time. He then related that the robberies resulted in only pocket change from the victims. He stated that one of the victims had only a few cents in her purse. He has a theory that his commitment offense occurred because he wanted someone to talk to. At the same time, he related that he approached the victim, who was not carrying a purse, with a kitchen knife that he had been concealed in his back pocket. When tried to discourage him, he grabbed her and stabbed her through her jacket. He was not able to give any explanation for his actions and stated that he was asking himself why he was stabbing her, while he

was committing the act. His judgment was adequate for functioning in a controlled setting. He has a history of poor judgment while on the street.

B. Current Clinical Diagnoses and Level of Function

Axis I: 304.30 Cannabis Dependence (in controlled environment)
304.80 Polysubstance Dependence (in controlled environment)
312.39 Impulse Control Disorder, NOS (by history)
312.82 Conduct Disorder, Adolescent Type, severe (by history)

Axis II: 301.9 Personality Disorder, NOS (mixed traits)

Axis III: Shoulder pain

Axis IV: Incarceration

Axis V: GAF = 80

C: Current Level of Care:

Mr. Tyson is in the general population and is not receiving any mental health treatment.

D: Treatment Activities:

N/A for mental health problems. Mr. Tyson participates in self-help groups and NA

E: Medications

N/A for mental health problems

F. Prognosis

Mr. Tyson's mental status would appear to be stable, provided he is not involved with mood altering substances.

IV. Review of Life Crime

a. Inmate's Version of the Offense

Mr. Tyson stated that he was out on the street at night looking for someone to talk to. He saw a woman walking alone and approached her asking to talk to her. She told him to go away. He grabbed her and took the knife that he had with him and stabbed her. He fled the area on foot and threw the knife into a near-by ravine. He went home to his mother's house and went to sleep. The next day he was worried about the crime and watched TV with his sister. His sister remarked that the composite drawing shown on the news looked like him. He told her that it was he, and left. He went to San Diego and tried to stay with his brother who was in the military. He brother told him that he could only stay that one night. He went to sleep in the park and later went back to his brother's. He was arrested when the police stopped them at a 7-11.

b. Relevance of Mental Condition to Life Crime

Mr. Tyson does not have a severe mental disorder. He has a history of the violation of the rights of others, and societal rules and norms, and drug abuse. He experienced a depressive episode while awaiting trial, but has not manifested symptoms of a mental disorder since that time. He has personality traits that have allowed him to violate the rights of others and engage in criminal behavior. These traits are also contributing factors in his crime.

c. Inmate's Level of Insight and Remorse

Mr. Tyson states that he has no explanation for the crime. He relates that he wanted to have a conversation with the woman, because he wanted to have someone to talk to. As the crime took place on a dark street after 2 a.m., his explanation of hoping to find companionship with the woman is not very plausible.

Mr. Tyson has improved in regard to taking responsibility for his offense. He had denied that he committed the rape for which he had been convicted by the state of Georgia and the murder for which he has been convicted in California. He is now willing to acknowledge his responsibility for the crimes, but has no understanding of why he took such action. He expressed remorse for his crimes. There seems to be little true feeling behind his statements.

d. Causative Factors

Neither Mr. Tyson, nor previous evaluators have been able to sufficiently determine the causative factors in his crime. What is known is that he has committed numerous violent crimes against vulnerable victims. When examined in 1993, Mr. Tyson denied that there was a reason for the fact that his victims have been women. He, at that time, reported that the motive for the crimes was robbery for money and that he would also have selected vulnerable male victims. According to Mr. Tyson, his crimes yielded little revenue, sometimes merely change. He denies that he was under the influence of drugs or alcohol at the times when he committed stabbings of the lone women.

Mr. Tyson also committed crimes in which there was a repeated pattern of behavior. Whether the crime in which the victim died was an escalation of violence, or a repeat of an earlier pattern in which the other victims had not died as a result of their wounds can only be determined through forensic evidence or disclosure by Mr. Tyson. He has consistently denied that he intended to seriously injure any of the victims.

V. Assessment of Dangerousness

a. In a Controlled Environment

Mr. Tyson was counseled in 1985 regarding his purposely presenting himself unclothed in front of a female custody officer. He has no write ups in prison for violent offenses. He has attended NA while at San Quentin and completed an anger management course in 1992. Mr. Tyson has been disciplinary free since 1993. He would be expected to continue to remain violence free in a controlled environment.

b. If Released to the Community

Mr. Tyson has the following risk factors for violent recidivism: elementary school maladjustment, childhood behavior problems, admission to corrections, failure on conditional release, history of non-violent offenses, history of violent offenses, escape from secure custody, stranger victim, personality disorder, attitudes supportive of crime (lack of empathy), attitudes unfavorable toward convention (lack of realistic life goals, little responsibility for self, long substance abuse). Mr. Tyson takes responsibility for

committing his crimes. He lacks insight into the reason for the crimes, other than financial pressure or somehow wanting to impress family members.

Mr. Tyson has made gains in that he takes responsibility for his crimes, after initially denying any responsibility. He is also programming in a positive manner. He has maintained his disciplinary free status and participates in NA, and self-help activities. He was cooperative and disclosing during the interview for this report and there was no evidence displayed of anger or problems with impulse control during the interview.

VI. Clinician Observation/Comments/Recommendations.

~~Mr. Tyson has an extensive history of violence against women victims. This includes~~ rape, assault with a deadly weapon, and murder. Mr. Tyson also admits to violence in his first marriage following arguments or confrontations with his wife.

Mr. Tyson explains that the motive for his assaults against strangers was in part financial, and in part feeling pressure from his family to get his life on track, after his release from prison. It is not clear how the violent robberies could constitute a means of successful reintegration into the community. It would appear that, left to his own devices, Mr. Tyson lacked the ability to make a positive adjustment to society. During this time, Mr. Tyson was living at home and had the active support of his family.

In order to lessen the odds of future violence, Mr. Tyson would benefit from several interventions. The first would be a continuation of his positive programming that includes being a member of a structured community that practices ethical behavior, such as a religious community. Continued participation in self-help and NA would also be beneficial, as well as educational activities.

Mr. Tyson would also benefit from counseling in regard to the motivation for his crimes and his attachments to, and attitudes toward females. He has engaged in several forms of assaultive behavior toward women, including rape and murder. While Mr. Tyson may have had no intention of killing his victim, he left her in a wounded and vulnerable state that resulted in her death. He would benefit from therapeutic work to explore both his motivation and behavior at the time of the crime.

Any plans for release would need to provide for a structured environment for Mr. Tyson. He has spent most of his adult life in supervised, structured settings and has little or no history of problem free adjustment in the community. He also has a history of substance abuse problems in the community with exposure to multiple substances.

While Mr. Tyson's parole plan shows good judgment on his part, in selecting to be involved with a positive peer group, it would be important to examine whether any

program he selects would provide adequate levels of services, supervision and structure to ensure public safety.



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Date